

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL No.1456
AVERAGE WHOLESALE PRICE)	Master File No. 01-CV-12257-PBS
LITIGATION)	
)	Subcategory 06-11337
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THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., et al. v. Boehringer</i>)	
<i>Ingelheim Corporation, et al., Civil Action No.</i>)	Magistrate Judge Bowler
07-10248-PBS)	

LIST OF PENDING MOTIONS

Pursuant to the Court's August 5, 2009 electronic notice, the undersigned counsel for Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., and Boehringer Ingelheim Roxane, Inc., hereby submits the following list of pending discovery motions for consideration by Judge Marianne B. Bowler to be heard on September 14, 2009:

Defendants' Motion to Compel Production of Documents and Rule 30(b)(6) Deposition of Kansas Health Policy Authority and Memorandum of Law in Support thereof. [Dkt. No. 5697-5698 and Sub-Dkt. No. 78-79)

United States' Motion for Protective Order Regarding the Roxane Defendants' Rule 30(b)(6) and Memorandum of Law in Support thereof. [Dkt.No. 5678-5679 and Sub-Dkt. No. 68-69]

Defendants' Motion for Sanctions and for a Finding of Spoliation and Memorandum of Law in Support thereof. [Dkt. No. 6254-6256 and Sub-Dkt. No. 274-276]

Defendants' Motion to Take Deposition from Carolyn Helton and Robin Kreush Stone and Memorandum of Law and Affidavit in Support thereof. [Dkt. No. 6328-6330 and Sub-Dkt No. 333-335]

Dated: August 20, 2009

Respectfully submitted,

/s/ Eric T. Gortner
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On behalf of Defendants Boehringer Ingelheim Corp., Boehringer Ingelheim Pharmaceuticals, Inc., Boehringer Ingelheim Roxane, Inc., and Roxane Laboratories, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on August 20, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

By: _____ /s/ Eric T. Gortner
Eric. T. Gortner